

## IN THE CLAIMS

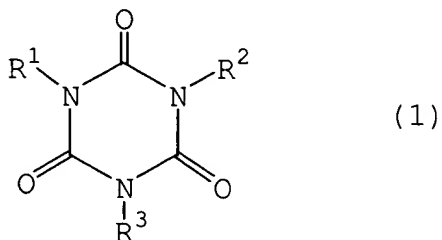
Please amend the claims to read as follows:

1. (Currently Amended) A non-aqueous electrolyte battery comprising:

a positive electrode,

a negative electrode, and

a non-aqueous liquid electrolyte comprising an electrolyte salt dissolved in an organic solvent, wherein the non-aqueous electrolyte comprises ~~includes~~ a compound represented by the following formula (1):



wherein in the above formula (1), each of R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> are independently selected from the group consisting of represent a hydrogen atom, a halogen atom and or a straight chain or branched chain alkyl group, said compound being in the form of a film on a surface of said negative electrode.

2. (Original) A non-aqueous electrolyte battery according to claim 1, wherein said compound is at least one compound selected from the group consisting of tris(2-carboxyethyl) isocyanurate and derivatives thereof.

3. (Original) A non-aqueous electrolyte battery according to claim 1, wherein said compound is tris(2-methoxycarboxyethyl) isocyanurate.

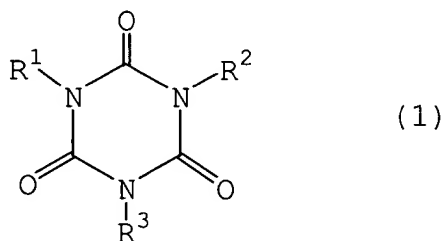
4. (Original) A non-aqueous electrolyte battery according to claim 1, wherein said organic solvent is at least one organic compound selected from the group consisting of carbonic acid esters, cyclic carboxylic acid esters and phosphoric acid esters.

5. (Original) A non-aqueous electrolyte battery according to claim 1, wherein the content of the compound is not less than 0.01% by weight and less than 20% by weight based on the weight of the non-aqueous electrolyte.

6. (Original) A non-aqueous electrolyte battery according to claim 1, wherein the negative electrode comprises a carbon material.

7. (Original) A non-aqueous electrolyte battery according to claim 6, wherein the carbon material is a graphitized mesophase spherule.

8. (Currently Amended) A non-aqueous electrolyte comprising an organic solvent and an electrolyte salt, wherein the non-aqueous electrolyte is a liquid comprising a compound represented by the following formula (1):



wherein in the above formula (1), each of R<sup>1</sup>, R<sup>2</sup> and R<sup>3</sup> are independently selected from the group consisting of represent a hydrogen atom, a halogen atom and or a straight chain or branched chain alkyl group, wherein when said compound is added to a negative electrode, said compound forms a film on a surface of the negative electrode.

9. (Original) A non-aqueous electrolyte according to claim 8, wherein said compound is at least one compound selected from the group consisting of tris(2-carboxyethyl) isocyanurate and derivatives thereof.

10. (Original) A non-aqueous electrolyte according to claim 8, wherein said compound is tris(2-methoxycarboxyethyl) isocyanurate.

11. (Original) A non-aqueous electrolyte according to claim 8, wherein said organic solvent is at least one organic compound selected from the group consisting of carbonic acid esters, cyclic carboxylic acid esters and phosphoric acid esters.

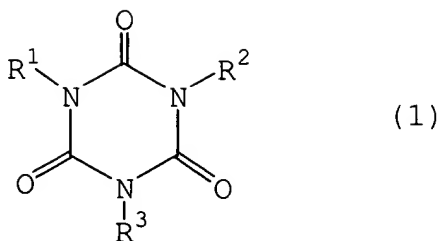
12. (Original) A non-aqueous electrolyte according to claim 8, wherein the content of the compound is not less than 0.01% by weight and less than 20% by weight based on the weight of the non-aqueous electrolyte.

13. (Currently Amended) A non-aqueous electrolyte battery comprising:

a positive electrode,

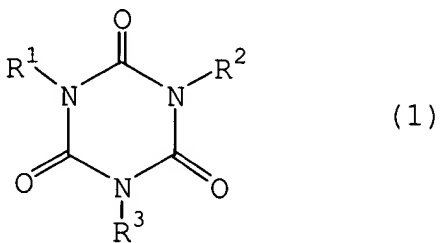
a negative electrode, and

a non-aqueous electrolyte comprising an electrolyte salt dissolved in an organic solvent, wherein the non-aqueous electrolyte comprises a compound represented by the following formula (1):



wherein in the above formula (1), each of  $R^1$ ,  $R^2$  and  $R^3$  are independently selected from the group consisting of represent a hydrogen atom, a halogen atom and or a straight chain or branched chain saturated alkyl group, said compound being in the form of a film on a surface of said negative electrode.

14. (Currently Amended) A non-aqueous electrolyte comprising an organic solvent and an electrolyte salt, wherein the non-aqueous electrolyte further comprises comprising a compound represented by the following formula (1):



wherein in the above formula (1), each of  $R^1$ ,  $R^2$  and  $R^3$  are independently selected from the group consisting of represent a hydrogen atom, a halogen atom and or a straight chain or a

saturated branched chain alkyl group, wherein when said compound is added to a negative electrode, said compound forms a film on a surface of the negative electrode.

15. (Currently Amended) A non-aqueous electrolyte battery according to claim 1, wherein at least one of the group consisting of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated branched chain alkyl group.

16. (Currently Amended) A non-aqueous electrolyte according to claim 8, wherein at least one of the group consisting of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated branched chain alkyl group.

17. (Currently Amended) A non-aqueous electrolyte battery according to claim 13, wherein at least one of the group consisting of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated branched chain alkyl group.

18. (Currently Amended) A non-aqueous electrolyte according to claim 14, wherein at least one of the group consisting of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated branched chain alkyl group.

19. (Currently Amended) A non-aqueous electrolyte battery according to claim 1, wherein at least one of the group consisting of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated straight chain alkyl group.

20. (Currently Amended) A non-aqueous electrolyte according to claim 8, wherein at least one of the group consisting of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated straight chain alkyl group.

21. (Currently Amended) A non-aqueous electrolyte battery according to claim 13, wherein at least one of the group consisting of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated straight chain alkyl group.

22. (Currently Amended) A non-aqueous electrolyte according to claim 14, wherein at least one of the group consisting of  $R^1$ ,  $R^2$  and  $R^3$  represents a saturated straight chain alkyl group.